

Michigan Department of Agriculture and Rural Development

Meat Processing Variance: Frequently Asked Questions

Michigan's Food Law requires licensed food establishments that conduct specialized meat processing for retail sales to obtain a variance, which includes a food safety plan (HACCP). The following questions and answers provide clarification of that requirement.

GENERAL

When is the deadline for getting a variance approved?

March 1, 2015 is deadline for existing facilities. New licensees need to obtain a variance as a part of initial licensing. A new owner may continue under a variance approval granted to a previous license holder, provided that an updated application is made within 60 days. All firms needing a variance will be subject to license enforcement if they operate without a variance after this date. All firms without a variance will also be held to using a 14 day maximum shelf life on their processed meat products.

What is a specialized meat processor?

Establishments that:

- Cure meat.
- Smoke meat as a method of food preservation rather than as a method of flavor enhancement.
- Use food additives or add components as a method of meat preservation rather than as a method of flavor enhancement or to render meat so that it is not potentially hazardous (time/temperature control of safety food).
- Package cooked meat using a reduced oxygen packaging method, such as vacuum packaging.

Who needs to develop a plan and get a variance approved?

- Meat processors who meet all of the following:
 - Conduct specialized meat processing, such as curing, smoking or otherwise using additives for preservation or vacuum packaging specialized meat products.
 - Are licensed by MDARD and regulated under the Food Code (i.e. food service and retail operations) and sell meat products retail. This includes food service establishments inspected by local health departments
 - Are not inspected by USDA for those retail meat processing and sales operations.
- Custom exempt venison processors who make sausage for their customers using other meat products and ingredients supplied by the processor.

Will the license exempt venison processors in Michigan need to comply with the Food Code? Do they need a variance?

License exempt venison processors who make sausage for their customers using other meat products and ingredients supplied by the processor need to be licensed and may need a variance, depending upon their processes.

Who can I contact with questions?

Call 1-800-292-3939 and ask for the regional food processing specialist in your area. MDARD has four food regions (North, East, West and Southeast) and our call center staff can connect you with the correct person based on your establishment's zip code.

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Where can I find information on-line?

Visit our specialized meat processing web page at: www.michigan.gov/meatprocessing. This page contains a one page overview document that covers who needs a variance, how to find training, variance application form package and other helpful information.

What will happen to other food establishments who have not completed their variance?

- After March 1, 2015, any establishments that have not obtained a required variance will be immediately required to obtain their variance. Establishments with continued non-compliance will be subject to progressive license enforcement. This may include a fine, warning letter, informal hearing, formal hearing and license revocation. All firms without a variance, at a minimum, will be held to using a 14 day maximum shelf life on their processed meat products after March 1, 2015. The department also has the option of limiting licenses to prevent certain operations from occurring, such as immediately stopping the production of specialized meat products until a variance is in place.

Why should I apply for my variance now?

- Getting your variance approved early provides more time for your establishment to get your food safety plan working smoothly before the 2015 deadline.
- Getting your variance approved now allows you to utilize extended MDARD extended shelf life criteria. All firms without a variance will face license enforcement as described above.
- Completing your food safety plan for curing, smoking or otherwise using additives for preservation or vacuum packaging meat and poultry products by the date of compliance will ensure that your firm is not subject to any enforcement or compliance action. The goal of the variance is to capture and evaluate the system you use to make the meat and poultry products safely. The target date gives you time to test out your system and make improvements, as needed.

What does the application and approval process consist of?

- Complete the specialized meat processing variance application package. The application is available at: www.michigan.gov/meatprocessing
- Attending a training course is recommended to help to better understand legal requirements and minimize the time needed to complete an application.
- Submit the completed application for review to MDARD Food Processing Specialists for retail establishments, or the Local Health Department for food service establishments.

How long will it take for my application to be reviewed?

MDARD is committed to completing the review process within 30 business days from the date a complete application is received. MDARD staff will strive to review your initial application for completeness as soon as it's received and inform you of any additional needed information.

Incomplete applications will cause delays.

Will an on-site review of my proposed or existing processing facility be needed?

Yes, in most cases. MDARD staff will make arrangements to visit your site to review equipment, facilities, processes and any related proprietary or confidential documents that you are maintaining on-site.

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Is my application subject to the Freedom of Information Act (FOIA)?

Yes, MDARD must provide your application information when requested by the public. This is why MDARD does not ask for or accept any business information considered proprietary or confidential.

Will everyone be required to do this? If we find someone who is not following the rules, where do we make a complaint?

To register a complaint about an unlicensed specialized meat or poultry processor who sells directly to the customer, call 1-800-292-3939.

To register a complaint about an unlicensed specialized meat or poultry processor who sells to a restaurant, grocery store, or someone who resells to the public, contact the USDA Compliance and Investigations Division at 1-248-968-0230.

VARIANCE APPLICATION

Which forms should you use for processing wild game into smoked sausage? What about raw fresh sausage, garlic sausage? What if I just custom process wild game? Specialized Meat Processing Variance Needed?

*Specialized Meat Processing Variance	**Venison Processing Variance	Process
No	Yes	Custom process hunter taken wild game for the customer's use in your licensed retail establishment.
Yes	No	Cure and smoke wild game sausages
Yes	No	Make wild game jerky
No	No	Make raw fresh sausage
No	No	Vacuum pack raw sausage
No	No	Make meatloaf without any cure added
Yes	No	Use additives such as antioxidants or preservatives in meat products.
Yes	No	Make cured sausage or jerky from commercially obtained venison

*Specialized meat processing variance: www.michigan.gov/meatprocessing

**Venison processing variance forms:

[http://www.michigan.gov/documents/mdard/Venison Processing in Retail Grocery Stores 378530 7.pdf](http://www.michigan.gov/documents/mdard/Venison_Processing_in_Retail_Grocery_Stores_378530_7.pdf)

AND

[http://www.michigan.gov/documents/MDA GameVarForm 6369 7.pdf](http://www.michigan.gov/documents/MDA_GameVarForm_6369_7.pdf)

What documents should you submit other than the completed application for Specialized Meat Processing – Retail Food Variance?

Submit:

You need to complete the basic application (Form FI-246). This consists of the cover page and about 20 pages where you must fill in requested information.

- Attach a facility layout diagram.

Possible additional documents that may be needed are listed below. The application prompts you to add these documents as needed.

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- Should you need to describe **more than three critical limit groups (heat treated, shelf stable; fully cooked, not shelf stable; not fully cooked, not shelf stable)** of products using different critical limits, complete and attach the "Variance Request Application Supplemental to Form FI-246" located at: www.michigan.gov/meatprocessing.
- Attach a process flow plan (diagram showing processing steps) **only** if your process flow is different than the model in the application.
- Attach required recordkeeping forms **only** if your forms are different than the model forms provided.

Do not Submit:

- Documents other than those listed above.
- Proprietary or confidential business documents. The application and possible attachments listed above are designed to ask for information that is **NOT** proprietary or confidential. **MDARD staff will review any proprietary or confidential information at your facility, such as: recipes, formulations, written SOP's, written training documents and HACCP plans.** Should MDARD receive any information marked proprietary or confidential, the information will be shredded and/or returned. Applicants will be required to resubmit returned applications. Should you have any concerns about what materials should be submitted, please contact MDARD at 1-800-292-3939 to discuss prior to submitting an application.

VARIANCE QUESTIONS

Why is a layout diagram required?

Food safety depends on the interaction of the food -employee practices - environment. A layout is a drawing showing facility design and equipment location. The drawing helps MDARD staff understand how the food is protected from cross contamination as it moves throughout your processing area. This is different from a process flowchart that is a diagram showing the steps in the curing/smoking/packaging process.

How long do we need to keep record logs?

Records must be maintained for two (2) years as stated in the variance application.

Am I required to keep records once my plan is approved or only after the implementation date?

Records should be maintained from the time your variance is approved.

Can I get a variance for a portion of my products now and apply for the rest later?

No. The application is designed to cover all your processes and applicable products. Most of the questions asked are applicable to your entire operation. Only a few sections ask you to break down your products into groups and provide information on each group. MDARD also does not have the resources to review your process and track multiple partial applications. Adding additional products after your variance is approved will require you to amend your approved variance. Should you have any questions on this please contact us to discuss.

I have an approved plan but need to make an update/ change, what do I do?

Contact the MDARD food senior processing specialist for your region to discuss the update or change to determine further action needed.

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If you get a variance approved, can you wholesale your meat products to other retailers?

A variance approval will not allow an operator to wholesale meat products to other retailers. Please contact the USDA FSIS Chicago District Office at (630) 620-7474 for information on wholesale distribution of meat products.

What is reduced oxygen?

The Food Code defines Reduced Oxygen Packaging (ROP) as: Reducing the amount of oxygen in a sealed package by removing the oxygen, replacing the oxygen with another gas or combination of gases, or controlling the amount of oxygen content to a level below that normally found in the atmosphere. ROP includes vacuum packaging, modified atmosphere packaging, controlled atmosphere packaging, cook chill packaging, and sous vide packaging. Biological hazards that need to be controlled are *Clostridium botulinum* and *Listeria monocytogenes*.

Is oxygen permeable Saran Wrap around meat considered ROP?

No, overwrapped meat is not considered vacuum packaging or ROP.

If a firm was issued a variance in the past for reduced oxygen packaging (ROP) of meat sticks, do they need to start over? Is this variance still on file somewhere?

The operator must provide the previously approved variance materials and approval letter for further review. Previous variances that were approved may be allowed.

If you follow the time and temperature requirements in the Food Code, do you have to apply for a variance? If you do not follow the time and temperature requirements in the Food Code, do you still need to meet the variance requirements if not curing and no reduced oxygen packaging (ROP)?

If you don't use a curing agent, do not vacuum package, and do not deviate from the cooking, cooling, and date marking requirements in the Food Code, you will not need a variance.

If you want to do a production test of curing, smoking or otherwise using additives for preservation or vacuum packaging meat and poultry products, do you need a variance?

No, if not provided or sold to the public. Test batches must be labeled and segregated as a test batch (i.e. not for sale) and production records must be maintained.

If you have a USDA HACCP plan, can those plans be submitted in place of this new variance application?

No, use the new application and reference your USDA HACCP plan and submissions.

If a plant changes ownership, is the variance or HACCP plan transferrable?

A USDA approval is not transferable, and different from a Michigan Department of Agriculture and Rural Development - Food Code Specialized Meat Processing at Retail Food Establishment variance. The new operator must apply for a license and a variance before operating the retail store. A new owner may continue under a MDARD variance approval granted to a previous license holder, provided that an updated application is made within 60 days.

EDUCATION / TRAINING

Is there a specific training course for meat processing?

Michigan State University provides training on meat variances and filling out the application.

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Where will variance application training be held for meat processors?

- Training is provided by Michigan State University. See training announcement our web page at www.michigan.gov/meatprocessing.
- Attendees will receive all needed application materials on a jump drive during the session along with on-site assistance in starting the application.
- Please call with questions at 800-292-3939.

Is there other recommended training supervisors or employee should attend?

You may find useful training for your business at these resources:

- American Association of Meat Processors, <http://www.aamp.com>
- Niche Meat Processor Assistance Network, <http://www.nichemeatprocessing.org>
- NSF International, www.nsf.org
- MSU Extension, <http://msue.anr.msu.edu>
- Michigan Manufacturers Association, www.mma-net.org

Will MDARD staff help complete the meat variance application?

The implementation strategy involves you preparing for the meat variance application by: writing down your facility layout, process and controls, SOP'S and training plans completing training provided by Michigan State University, and working with the MDARD senior processing specialists to properly complete your variance approval.

Do you need to hire a consultant to complete your application?

The variance form has been designed so an operator can complete it without the need to hire a consultant. One of the primary goals of this application is to have the operator explain their processing steps and how the potential hazards and contamination are controlled at each step to keep foods safe. However, if you wish to use a consultant to assist you, that is acceptable. When MDARD staff audits your operation after your plan is approved, we expect you to follow the plan.

Is MDARD inspection staff trained in HACCP? Are the reviewers and supervisors making the decisions trained in HACCP?

Yes, MDARD staff and supervisors are trained to conduct manufactured foods HACCP inspections. MDARD inspection staff will identify the operations that need a variance and audit the firms with approved variances. Our staff is trained to conduct manufactured foods HACCP inspections.

If you have a unique process or product, how is it reviewed for food safety?

MDARD reviewers and supervisors will consult Michigan's TAC (Technical Advisory Committee) comprised of experts from industry, academia and government for assistance, as needed.